

MINUTES**DAKOTA COUNTY PHYSICAL DEVELOPMENT COMMITTEE OF THE WHOLE****July 14, 2009****Conference Room 520, 1 Mendota Road, West St. Paul, Minnesota****1. CALL TO ORDER AND ROLL CALL**

Commissioner Paul J. Krause, Chair of the Physical Development Committee of the Whole, called the meeting to order at 9:00 a.m. Commissioners in attendance:

Commissioner Joseph A. Harris, District 1
Commissioner Kathleen Gaylord, District 2
Commissioner Thomas Egan, District 3
Commissioner Nancy Schouweiler, District 4
Commissioner Liz Workman, District 5
Commissioner Paul J. Krause, District 6
Commissioner Willis E. Branning, District 7

Also in attendance were:

Brandt Richardson, County Administrator
Lynn Thompson, Division Director
Jay Stassen, Assistant County Attorney
Jeanne Nash Hoffmann, Administrator Coordinator

2. INTRODUCTION OF NEW STAFF

There were no new staff to introduce this month.

3. AUDIENCE

Chair Krause asked if anyone in the audience wished to address the Committee on an item not on the agenda or if anyone wished to discuss an item on the Consent Agenda. No one came forward.

4. APPROVAL OF THE AGENDA

Motion by Commissioner Harris, Second by Commissioner Gaylord, and passed on a 7-0 vote to approve the agenda for July 14, 2009, as presented.

5. CONSENT/INFORMATION AGENDA

Motion by Commissioner Egan, Second by Commissioner Workman, and passed on a 7-0 vote to approve the consent agenda.

5.1 – Minutes Of The June 9, 2009 Meeting**5.2 – Authorization To Execute Cooperative Agreement With Minnesota Department Of Agriculture For Business and Household Waste Pesticide Management**

WHEREAS, the Dakota County Board of Commissioners (County Board) supports proper hazardous waste management; and

WHEREAS, Minn. Stat. §18B.065 requires the Minnesota Department of Agriculture (MDA) to establish and operate a waste pesticide collection program for Minnesota counties; and

WHEREAS, beginning in 1998, the MDA provided waste pesticide collection events every other year for businesses, and allocated funds for each Minnesota county for household pesticide disposal; and

WHEREAS, in 2005, the MDA eliminated its collection program for business pesticides and required counties to enter into a Cooperative Agreement (Agreement) to receive funds to conduct collections for both business and household waste pesticide management; and

WHEREAS, the MDA will enter into county agreements only if counties provide a hazardous waste collection location; and

WHEREAS, by Resolution No. 96-213 (October 1, 1996), the County Board directed staff to execute a contract with Gopher Resource Corporation for a business and household hazardous waste and recyclables collection location (The Recycling Zone); and

WHEREAS, by Resolution No. 01-493 (August 28, 2001), the County Board directed staff to amend The Recycling Zone contract to allow acceptance of business waste pesticides as part of the Very Small Quantity Generator (VSQG) Program; and

WHEREAS, by Resolution No. 08-329 (July 8, 2008), the County entered into an Agreement with the MDA, effective through June 30, 2010, to participate in the MDA's waste pesticide program and offset funding disposal costs from business and household pesticide management; and

WHEREAS, in 2009, the Legislature further clarified the MDA's responsibilities by creating a dedicated account to provide reimbursement and payment for costs incurred by government units that have an agreement with the MDA, and requiring new agreements to restrict payments for pesticides generated in another state, modifying the liability language to that preferred by counties, and removing redundancy in record-keeping requirements for counties that choose to enter into an Agreement and that provide a location for collection; and

WHEREAS, the MDA, in a letter dated June 3, 2009, terminated all in-place agreements between counties and the MDA, effective July 3, 2009; and

WHEREAS, a new Agreement must be executed for counties to continue to participate in the MDA's waste pesticide program; and

WHEREAS, the Agreement will allow the MDA to pay for business and household waste pesticide management, including pesticide disposal, supplies, transportation, 25-cents per pound for administrative costs, and materials for advertising; and

WHEREAS, businesses with waste pesticides will be able to participate in the VSQG program for those materials at The Recycling Zone at no charge, contingent on available MDA funds; and

WHEREAS, the County will continue to collect waste pesticides from households at The Recycling Zone at no charge; and

WHEREAS, the MDA may establish limits for unusual types or excessive quantities of waste pesticides; and

WHEREAS, it is anticipated that the MDA will now be able to cover all business and household pesticide disposal costs; and

WHEREAS, if the MDA's funding cannot fully support costs, businesses will pay the full business pesticide disposal costs, and the County will pay the balance of household pesticide costs as part of its existing household hazardous waste program, as has been past practice.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute a Cooperative Agreement with the Minnesota Department of Agriculture to fund business and household waste pesticide management from July 21, 2009, through June 30, 2010, with automatic renewal unless either party requests discontinuation or termination, subject to review by the County Risk Manager, and approval by the County Attorney's Office as to form.

5.3 – Scheduling Of County Board Workshop To Receive Energy Policy Recommendations

WHEREAS, one of the 2008 and 2009 County Board goals is to develop an energy policy for Dakota County; and

WHEREAS, the Physical Development and Operations, Management and Budget Divisions have concluded this phase of work and have prepared recommendations for consideration by the County Board; and

WHEREAS, County staff recommends that a workshop be held to review these recommendations and determine future direction.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby schedules a County Board Workshop for Tuesday, September 22, 2009, at 11:00 a.m. or following the County Board and Regional Railroad Authority meetings, in Conference Room 3A in the Administration Center, Hastings, Minnesota, for the purpose of discussing County energy policy development.

5.4 – Authorization To Revoke County State Aid Highway Status And Designate County Road Status To County State Aid Highway 24 In City Of Inver Grove Heights

WHEREAS, traffic volumes along County State Aid Highway (CSAH) 24 (66th Street) have decreased due to the closure/demolition of Bridge 5600 in the City of Inver Grove Heights; and

WHEREAS, the function of this roadway has changed from serving regional traffic to local traffic; and

WHEREAS, for this segment of roadway, the Dakota County Engineer recommends revoking CSAH status and designating the roadway as County Road (CR) 24; and

WHEREAS, Minnesota Department of Transportation (Mn/DOT) State Aid requests County Board action prior to City Council action of concurrence for revocation of CSAH status; and

WHEREAS, City of Inver Grove Heights staff has indicated the city's intent to pass a resolution of concurrence with the County's proposed CSAH revocation and County Road designation; and

WHEREAS, Washington County staff has indicated their county's intent to revoke CSAH status on its portion of roadway; and

WHEREAS, Mn/DOT State Aid requests that Dakota County and Washington County submit their resolutions concurrently to State Aid; and

WHEREAS, designation of the revoked CSAH mileage to new or existing segments of County roads will enhance Dakota County's CSAH system.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby revokes County State Aid Highway status, subject to the approval of the Commissioner of Transportation of the State of Minnesota for segments of CSAH 24, as follows:

Beginning at the intersection of the centerline of said County State Aid Highway No. 24 with the easterly right of way boundary of County State Aid Highway 56; thence easterly along said centerline through Government Lot 6 and Government Lot 10 in Section 2, Township 27 North, Range 22 West, to its intersection with the common boundary line between Dakota County and Washington County, Minnesota and said line there terminating

; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby designates the above mentioned segment of CSAH 24 as County Road 24; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Dakota County Transportation Director/County Engineer to forward two certified copies of this resolution and the supporting resolutions from Washington County and the City of Inver Grove Heights to the Minnesota Commissioner of Transportation for approval.

5.5 – Authorization To Submit Grant Applications For Brownfield Grant To U. S. Environmental Protection Agency

WHEREAS, the Dakota County Board of Commissioners has made it a goal to restore contaminated sites, also known as brownfields, to a condition that allows for beneficial property re-use and redevelopment; and

WHEREAS, staff has identified two EPA Brownfields Assessment Grants for which the County is well-positioned to apply; one for assessing petroleum contamination and the other for assessing hazardous chemical contamination; and

WHEREAS, staff requests authorization to apply for these two grants for a total of up to \$400,000, with no matching funds required; and

WHEREAS, these grants provide funding to inventory, characterize, assess, prioritize, and engage in community involvement for restoration of brownfields sites; and

WHEREAS, Dakota County will collaborate with cities and townships to identify sites with the potential for beneficial re-use and redevelopment if grants are awarded; and

WHEREAS, staff evaluated proposals from three companies with experience in preparing grant applications, and proposes to contract with Bonestroo/Northern Environmental to develop the grant applications, using funds currently available in the Water Resources Department 2009 budget; and

WHEREAS, Bonestroo/Northern Environmental will not charge the County the \$8,000 contract amount if the applications are not successful; and

WHEREAS, since the amount of the contract is below the threshold that requires County Board approval, staff will prepare and execute the contract.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to submit two applications for up to \$400,000 to the EPA for Brownfields Assessment Grants.

5.6– Plat Commission Update – Information only; no action was requested.

6. REGULAR AGENDA

6.1 – Authorization To Initiate Negotiations With Landowners Of Ten Highest ranked 2009 Farmland Protection Projects

Farmland and Natural Areas Program Manager Al Singer briefed this item and responded to questions on the latest round of farmland projection applications. This year, staff received 54 applications. He indicated that the net county cost for the top 10 farmland easements would be \$1.8 million, leaving \$600,000 in the farmland account. He explained the financial structure of the purchase of easements and how staff worked with the landowners for their retention of some of the building rights, which decreases the cost to the county. These top 10 applications include almost 22% in landowner donations. The FNAP Advisory Committee is now working on recommendations to the County Board for continuing the program. Mr. Singer then briefed on the future for the FNAP program and

possible scenarios for addressing land protection including combining the roles of the Parks and the FNAP advisory committees. Staff has indicated that this is worth exploring – with caution.

Motion by Commissioner Harris, Second by Commissioner Schouweiler and passed on a 7-0 vote to recommend that the County Board adopt the following resolution:

WHEREAS, by Resolution No. 08-423 (October 7, 2008), the County Board authorized a fifth Farmland and Natural Areas Program (FNAP) application round; and

WHEREAS, the County has completed a fifth FNAP farmland application round, resulting in the submission of twenty seven final farmland applications; and

WHEREAS, the FNAP Advisory Committee (AC) reviewed, evaluated, scored, and ranked the eligible 2009 farmland protection projects during its April 16 and 30, 2009, meetings; and

WHEREAS, the AC ranked the top ten 2009 farmland projects as follows:

Rank	Landowner	Estimated Easement Acres	Township	Average Score
1	Ronald and Robin Bakken	47	Sciota	156
2	Dolores Gergen	206	Hampton	152
3	Michael Ozmun	127	Waterford	147
4	Robert Jr. and Nancy Kluver	272	Greenvale	145
5	Lewellyn and Bernadette Stoffel (2)	78	Vermillion	142
6	Lewellyn and Bernadette Stoffel (1)	100	Vermillion	140
7	Marian Frandrup/Arthur Frandrup Estate	145	Hampton	134
8	Jay and Kerry Otte	167	Waterford	129
9	Jerold and Karen Otte	144	Hampton	122
10	Mark and Janet Otte	108	Randolph	121

; and

WHEREAS, during its June 4, 2009, meeting, the AC recommended that the Dakota County Board of Commissioners authorize initiating the appraisal process for the ten highest ranked 2009 farmland projects; and

WHEREAS, by Resolution No. 09-291 (June 16, 2009), the County Board authorized submission of the 2009 Farm and Ranch Lands Protection Program application including the ten highest ranked farmland protection projects.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Farmland and Natural Areas Program staff to initiate the appraisal process and negotiations with the following ten highest ranked 2009 farmland protection project landowners:

Rank	Name	Township
1	Ronald and Robin Bakken	Sciota
2	Dolores Gergen	Hampton
3	Michael Ozmun	Waterford
4	Robert Jr. and Nancy Kluver	Greenvale
5	Lewellyn and Bernadette Stoffel (2)	Vermillion
6	Lewellyn and Bernadette Stoffel (1)	Vermillion
7	Marian Frandrup & Arthur Frandrup Estate	Hampton
8	Jay and Kerry Otte	Waterford
9	Jerold and Karen Otte	Hampton
10	Mark and Janet Otte	Randolph

; and

BE IT FURTHER RESOLVED, That following completion of the negotiation process with these ten landowners who are willing to sell a permanent agricultural conservation easement to Dakota County, the farmland easement

projects will be re-evaluated by the FNAP AC and presented to the County Board for final acquisition and funding approval at a future date.

6.2 – Authorization To Establish A Dakota County Friends Of The Parks Program

Parks Marketing & Fiscal Development Program Manager, Kim Haars, briefed the Committee on the “Dakota County Friends of the Parks Program.” She explained the growth in the parks system and the need to raise non-County funds to help support the programs. She outlined fundraising options: A collaborative parks foundation/Dakota County parks foundation; an externally managed friends group, a Dakota County/external friends group; and a Dakota County managed friends program. She indicated that after looking at all scenarios thoroughly, Parks staff and the Parks Advisory Committee recommend a Dakota County Managed Friends Group. It does not compete with the Regional Parks Foundation and maintains County operational flexibility. Next steps include marketing *forever wild friends*, establishing a membership base, and cultivating friends to determine the potential for the program.

Kim responded to questions about staff time that will be required for the implementation of this program. Kim explained that with the reorganization that has occurred in Parks and Open Space she will have the ability to move this program forward. She explained that the Park System Plan that the County Board approved in 2008 included in part “engage the public in meaningful and diverse ways, including developing beneficial relationships with park advocates through a new Dakota County Park System Friends Group...” Kim was hired by the County because of her background in outreach and marketing.

Discussion was held on costs associated with the program which should only be staff time, and a target for revenue. Kim explained what the various other organizations are experiencing. The program will assist in growing volunteerism which has a huge benefit to the County in accomplishing what the County cannot do by itself.

Motion by Commissioner Schouweiler, Second by Commissioner Gaylord and passed on a 7-0 vote to recommend that the County Board adopt the following resolution:

WHEREAS, the 2008 Park System Plan (PSP) established a vision of full service parks, an extensive greenway system, and increased natural resource management; and

WHEREAS, the increase in park system usage, acreage, units, programs and services results in additional demands on County resources; and

WHEREAS, managing the park system at current service levels and advancing the PSP is dependent upon increased revenues for capital improvements and associated operational support; and

WHEREAS, the PSP also identified the need for increased awareness of the park system, and

WHEREAS, the PSP also identified the goals of engaging the public in meaningful and diverse ways, including developing beneficial relationships with park advocates through a new Dakota County Park System Friends Group; engaging supporters with a Dakota County Parks Foundation; identifying revenue and fundraising targets; and working with a new Parks Foundation to raise funds for both general services and targeted capital investment; and

WHEREAS, managing the park system at current service level and advancing this vision is dependent upon increased revenues for capital improvements and associated operational support; and

WHEREAS, staff is evaluating and implementing new revenue sources including philanthropy to fund the evolving park and trail system; and

WHEREAS, staff evaluated five alternative philanthropic models associated with foundations and friends groups/programs; and

WHEREAS, Dakota County has pledged to work with the Metropolitan Council’s newly-established Regional Parks Foundation of the Twin Cities, to focus on raising capital funds to invest across the entire metropolitan region; and

WHEREAS, staff is recommending the establishment of a Dakota County managed friends program beginning in late 2009; and

WHEREAS, the Dakota County managed friends program will be established through a membership donation program whereby people become “friends of the parks” by contributing a tax-deductible membership donation; and

WHEREAS, the County retains discretion and decision-making about membership donation levels, database management, membership benefits, and the expenditure of funds; and

WHEREAS, the Dakota County friends program will be managed by current staff within Parks and Open Space Department with assistance from the Communications Department for marketing and promotional materials.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the establishment of a Dakota County managed friends program as generally presented at the July 14, 2009, Physical Development Committee meeting, subject to review by the Dakota County Attorney’s Office.

6.3 – Presentation Of Transportation Department’s Intersection Traffic Control Assessment Process And Study Conclusions

Assistant Traffic Engineer Suzanne Hanrahan briefed the Committee and presented information on “Intersection Control Assessment.” She indicated that it is important to fully examine a variety of viable alternatives at an intersection to determine the appropriate improvement; inappropriate traffic controls can lead to driver disobedience, increased delay, and a decrease in overall safety. In the last year, the County looked at intersection design and control assessments at six intersections on county roads in West St. Paul, Rosemount, Apple Valley, and Lakeville. The selected alternative for each intersection will be used in planning future projects.

This was an information item only; no action was requested.

6.4 – Update on Transportation Capital Improvement Program Projects

Assistant Transportation Director, Todd Howard, updated the Commissioners on the 2009 Capital Improvement Program Projects. He responded to questions. Transportation will be presenting an update to the Physical Development Committee once a year.

This was an information item only; no action was requested.

DIRECTOR’S REPORT

Lynn Thompson provided the Director’s Update. She provided a white paper on “Slowing the Growth of Emerald Ash Borer.” She also provided an update on the Metropolitan Council’s Dial A Ride Progress.

ADJOURNMENT

Commissioner Paul J. Krause adjourned the meeting at 10:40 p.m.

Respectfully submitted:

Jeanne Nash Hoffmann
Administrative Coordinator